

Docket No.:45112-041



Harry
1-16-01
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Steven M. BESSETTE, et al.

Serial No.:09/455,542

Filed: December 07, 1999

Group Art Unit: 1651

Examiner: Lilling, H.

For: CANCER TREATMENT COMPOSITIONS AND METHOD USING NATURAL
PLANT ESSENTIAL OILS

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TECH CENTER 1600

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Written Restriction Requirement mailed August 8, 2000, Applicants hereby elect, with traverse, Group I (Claims 1-13) for initial prosecution on the merits. In response to the Election of Species Requirement, Applicants hereby elect the species of eugenol for initial prosecution on the merits.

Applicants respectfully submit that a restriction requirement between patentably distinct inventions is proper only when there is a serious burden on the Patent Office to examine all of the claims in a single application even when it appears that appropriate reasons exist for a restriction requirement. M.P.E.P. § 803. To avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office, Applicant respectfully requests that the above policy be applied in the present application because the subject matter of the pending claims is sufficiently related.

For instance, Group I is directed to pharmaceutical compositions comprising a plant essential oil and a signal transduction modulator. Group II is directed to methods of using the pharmaceutical compositions of Group I. Applicants respectfully submit that a search for the invention(s) of Group I would necessarily overlap with a search for the invention(s) of Group II.

Thus, a thorough search for the subject matter of any one claim of the above-captioned patent application would overlap with a search for the subject matter of the remaining claims such that a search and examination of the entire application can be made without serious burden. Therefore, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

Please grant any extension of time necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees, to Deposit Account No. 50-0417.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Willem F. Gadiano
Registration No. 37,136

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 WFG:dls
Date: January 8, 2001
Facsimile: (202) 756-8087